

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

U.S. BANKRUPTCY COURT  
E.D. MICHIGAN-DETROIT

2015 JUN 17 P 12:37

FILED

In re:

CITY OF DETROIT,

Debtor.

)  
) Chapter 9  
)

) Case No. 13-53846  
)

) Hon. Thomas J. Tucker  
)  
)  
)

**REPLY TO THE CITY OF DETROIT'S OBJECTION AND IN SUPPORT OF  
SHERELL STANLEY'S MOTION FOR THE EXTENSION OF TIME/LATE-FILING  
OF HER APPLICATION FOR ADMINISTRATIVE EXPENSE CLAIM**

**STATEMENT OF FACTS**

Within the City of Detroit's Objection to Sherell Stanley's Motion for the Extension of Time/Late-Filing of her Application for Administrative Expense Claim, counsel states that "Stanley does not claim she was unaware that City's Plan became effective on December 10, 2014..." The City further argues that "Stanley provides no evidence to rebut the presumption that she in fact did receive the Notice of Effective Date..."

Contrary to the City's contentions, I specifically stated within the my Motion that I have been unable to confirm receipt of the correspondence and only learned of it upon being contacted by Attorney Dale Price of the Equal Employment Opportunity Commission (EEOC) via electronic mail [on January 29, 2015]. Pursuant to Court Order dated June 4, 2015, I have also attached two (2) Declarations to that

effect, one signed by myself, the other, Sherita Black; the declarations further outline how my mail is collected (Exhibits G & H respectively).

To rebut the presumption that I received the City's Notice, I submit that I often receive mail belonging to other people within my P.O. Box and am compelled to take it to the front desk of the Post Office in Downtown Detroit, Michigan, for redistribution. Further, I attached a Certificate of Service of the City of Detroit's Objection to **SHEILA** STANLEY'S APPLICATION FOR ADMINISTRATIVE CLAIM to my Motion. I received the correspondence in error, and discovered that it was actually intended for SHEILA REED of 336 Pinecrest, Ferndale, Michigan 48220. Finally, I have attached an email from "Mike," dated May 2, 2015, to the instant correspondence (Exhibit I). Within the email, I inquired about some Tiger tickets. In response, Mike indicated that "your check took a month to get to me. It arrived in a USPS envelope with YOUR envelope inside. It was all ripped up and damaged. Someone musta got ahold of it!" I have constantly encountered difficulties with my mail services. Accordingly, it is very possible that the City's Notice was mislabeled, mis-routed, and/or destroyed in route to me.

The City of Detroit also argues that "extending the deadline to allow Stanley's application is a futile proposition, given that her Application is nothing more than a \$1 million dollar demand based on unfounded allegations." In response, I submit that my claim is based on a Federal EEOC Complaint of discrimination, harassment, and retaliation, while serving as a law enforcement officer. I have served in that capacity from June 1996, to date. However, my Federal EEOC Complaint against the

City of Detroit was filed in November 2013, as a continuous action; it is supported by documentation, is anything but unfounded, and includes but is not limited to an allegation that I was denied overtime opportunities to which I was contractually entitled. The matter is still under investigation by the Federal EEOC, delayed in part because the City filed for bankruptcy. Hence, as a matter of equity, it is premature to declare my complaint invalid and to disallow my claim as either an Administrative Expense or General Unsecured.

Pursuant to 11 U.S.C. § 503(b), business expenses for debtors operating during a bankruptcy case qualify as Administrative Claims. My claim arose post-petition and so qualifies based on services rendered and inequitable treatment.

### **CONCLUSION**

WHEREFORE, the undersigned, SHERELL STANLEY, respectfully requests that this Honorable Court deny the City of Detroit's Objection to Sherell Stanley's Application for Administrative Expense Claim and as a matter of equity, grant Stanley's Motion permitting the extension of time/late filing of same; failure to act was out of my control and the result of Excusable Neglect. Further, I have not ignored, or, to my knowledge, missed any other deadlines requiring action in this matter.

Respectfully submitted,

  
Sherell Stanley  
Post Office Box 321032  
Detroit, MI 48232  
(313) 570-2012  
[s.s.stanley@comcast.net](mailto:s.s.stanley@comcast.net)

Dated: June 17, 2015

EXH G

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re: )  
 ) Chapter 9  
 )  
CITY OF DETROIT, ) Case No. 13-53846  
 )  
Debtor. ) Hon. Thomas J. Tucker  
 )  
 )  
 )

**DECLARATION OF SHERELL STANLEY**

I, SHERELL STANLEY, state the following:

1. That I was out of town, on furlough, during the period of December 2014, and January 2015.
2. That Sherita Black collects and sorts my mail from my Post Office Box and personal residence when I unavailable.
3. That upon returning from furlough and reviewing my mail and its contents, I did not observe the City of Detroit's *Notice of (I) Entry of Order Confirming Eighth Amended Plan for the Adjustment of Debts of the City of Detroit and (II) Occurrence of Effective Date (Notice)* until I downloaded a copy from the Internet after being contacted and advised of it by Attorney Dale Price of the Federal Equal Employment Opportunity Commission (EEOC) on or about January 29, 2015.

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4. That I went and have gone through my mail multiple times since returning from furlough and have yet to observe the above Notice the City declares to have sent to my Post Office Box.
5. That I was unaware that the City of Detroit's Plan for the Adjustment of Debts became effective on December 10, 2014, and that Applications for Administrative Expense Claims were due January 26m 2015, until I was contacted by the Federal EEOC on January 29, 2015.
6. That I have consciously and consistently placed any/all correspondence received in relation to these bankruptcy proceedings in one 3-ring binder, and the only copy of the City of Detroit's Notice is that that I downloaded from the internet after being advised of the matter by the Federal EEOC.

I declare under penalty of perjury pursuant to the laws of these United State of America that the aforementioned information is true and correct to the best of my knowledge.

Executed on 06 / 15 / 2015

  
Sherell Stanley



EXH H

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:	)	
	)	Chapter 9
	)	
CITY OF DETROIT,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Thomas J. Tucker
	)	
Mr. Bruce Bennett, Heather Lennox,	)	
and Jones Day Law Firm	)	
555 S. Flower St.	)	
50 <sup>th</sup> Floor	)	
Los Angeles, CA 90071	)	
	)	
Mr. Marc N. Swanson	)	
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.	)	
150 W. Jefferson, Ste. 2500	)	
Detroit, MI 48226	)	
Telephone: (313) 496-7591	)	
Facsimile: (313) 496-8451	)	
<a href="mailto:swansonm@millercanfield.com">swansonm@millercanfield.com</a>	)	

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**DECLARATION OF SHERITA BLACK**

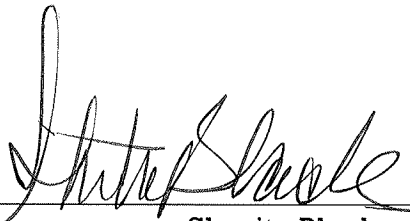
I, SHERITA BLACK, state the following:

1. That Sherell Stanley was out of town, on furlough, during the period of December 2014, and January 2015.
2. That I collect and sort Ms. Stanley's mail when she is unavailable.

3. That I do not recall collecting any white envelopes, labeled as being from California (as they were described to me by Ms. Stanley) from her Post Office Box during the period in question.
4. That the only time I open Ms. Stanley's mail is when I am specifically asked to do so.
5. That I have not, did not, and do not dispose of any of Ms. Stanley's mail, whether it appears to me to be "junk mail" or not.
6. That any mail I collect/sort is left on her couch, iron<sup>ing</sup> board, or other place designated by her.

I declare under penalty of perjury pursuant to the laws of these United State of America that the aforementioned information is being given voluntarily and is true and correct to the best of my knowledge.

Executed on 6 / 16 / 15

  
\_\_\_\_\_  
Sherita Black

**Re: Detroit Tigers Tx**

**From :** Mike [REDACTED]@hotmail.com>

Sat, May 16, 2015 09:45 PM

**Subject** : Re: Detroit Tigers Tx

**To :** s s stanley <s.s.stanley@comcast.net>

You're welcome! Enjoy!

Mike [REDACTED]  
[REDACTED] 1 Cell  
[REDACTED]@hotmail.com

On May 16, 2015, at 1:18 PM, s.s.stanley@comcast.net wrote:

Good-afternoon. Received the tickets...apparently in much better condition than which you received my check! LOL :)  
Thank you again. God bless.

Sherell  
313.570.2012

**From:** "Mike [REDACTED]@hotmail.com">

**To:** "s s stanley" <s.s.stanley@comcast.net>

**Sent:** Saturday, May 2, 2015 6:48:53 AM

**Subject:** Re: Detroit Tigers Ticket Update

Thanks for the reminder. I'll pith them in the mail Monday. Your check took a month to get to me. It arrived in a USPS envelope with YOUR envelope inside. It was all ripped up and damaged. Someone musta got ahold of it! Anyway, I received it, but then forgot to mail the tickets. You'll get them next week.  
Thanks and enjoy!!

**Mike** [REDACTED]  
[REDACTED] Cell  
[REDACTED]@hotmail.com

On May 2, 2015, at 3:15 AM, s.s.stanley@comcast.net wrote:

Good-morning:

Never received the tickets???



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	)	Chapter 9
	)	
CITY OF DETROIT,	)	Case No. 13-53846
	)	
Debtor.	)	Hon. Thomas J. Tucker
_____	)	

**PROOF OF SERVICE**

I certify that on June 17, 2015, I served copies as follows:

1. Document served:

Reply to the City of Detroit's Objection and in Support of Sherell Stanley's Motion for the Extension of Time/Late-Filing of her Application for Administrative Expense Claim

2. Served upon:

Mr. Bruce Bennett, Heather Lennox, and Jones Day Law Firm  
555 S. Flower St.  
50<sup>th</sup> Floor  
Los Angeles, CA 90071

Mr. Marc N. Swanson  
MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.  
150 W. Jefferson, Ste. 2500  
Detroit, MI 48226  
Telephone: (313) 496-7591  
Facsimile: (313) 496-8451  
[swansonm@millercanfield.com](mailto:swansonm@millercanfield.com)

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3. By Certified First Class Mail.

Dated: 06 / 17 / 2015

  
\_\_\_\_\_  
Sherell Stanley